

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ROBERT SAMPSON,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 2:22-cv-05120-JMA

DECLARATION OF SHELLEY SAMPSON

I, Shelley Sampson, make the following declaration upon personal knowledge:

1. I am over the age of 18 and have personal knowledge of all matters to which I attest.
2. Robert Sampson is my son. Over his lifetime I have watched him academically struggle as he has persevered through challenges that seemed insurmountable.
3. While Robert's learning disabilities and ADHD were neither recognized nor formally diagnosed until he was an adult, these challenges have always been a part of his life.
4. He and I worked together to reemphasize the daily lessons from school. I also drove him to tutors, read parts of schoolbooks when he could not read them fast enough, and helped him complete assignments. Over the years Robert worked with more than 20 tutors as documented in a letter my husband and I wrote to the NBME. In elementary school, his teacher specifically recommended that Robert work with a reading specialist which he did. He again worked with a reading specialist in high school.
5. Throughout his childhood, Robert's performance on standardized tests was an enigma to us. While he was obviously smart and could discuss topics with a depth and understanding far beyond his years, he always struggled with reading and in completing

timed tests, and he seemed to work far harder than his peers. While other children in our community used tutors, I do not know of another child who needed the extent of tutoring that Robert required. Robert had an extensive list of tutors in multiple areas of the curriculum as well as significant parental study support.

6. I knew deep in my gut from what I saw that Robert did not learn and read like other children, yet I also knew that I myself struggled with some of these same challenges. In fact, Robert's grandfather, a well-respected engineer with forty-three U.S patents, admitted that he had failed French and always felt he had a "learning deficit." Like Robert, Robert's grandfather also had a strong work ethic.
7. Every night I came home from professional work to start what I called my second job with Robert. I knew it was harder for him, to work long hours than it was for me and yet he persisted in such a way that took my breath away. When someone works so hard, you can't help but fully support them, because he was always willing to put in the extra necessary work.
8. From an early age, Robert did not want others to know how much he struggled. He was embarrassed by it. I personally faced some of these learning issues when I was his age.
9. When Robert faced these life challenges, we all worked together. When he stuttered severely as a child, Robert went to intense speech therapy practicing every night even while on vacation to help overcome this impediment. We just always did "the speech homework."
10. When Robert struggled to learn, I invented an endless series of games to provide repetition because he had trouble memorizing. For example, if I was cutting vegetables for dinner, I would also be quizzing Robert on spelling words as he circled around the

kitchen. If he got an answer correct, he got a piece of vegetable as a prize. If he got the spelling wrong, he circled again and tried until he got it right. We made a game of it.

11. While I know many parents support their children's learning, and work with them for upcoming vocabulary or spelling tests, what was "normal" in our house was something far different. Everything was about trying to mitigate the challenges Robert faced by finding alternative learning strategies. Robert stayed up long hours as he got older in an attempt to intensely prepare for tests with support from his father, tutors and me.
12. I knew that he was having to sacrifice and work harder than others to keep up and do well. It was frustrating for him that it took so long to do so. When other children were out socializing, often Robert was using that time to try to reinforce the required material to do well because he was self-motivated to study. I felt regret that he had to put so much effort. Nonetheless, we supported his drive to keep up his grades.
13. In high school, Robert's standardized test performance did not meet the requirements for honors classes. He was admitted into honors classes by petition because his test scores did not demonstrate his knowledge.
14. Looking back at his elementary grade teacher quarterly evaluations, it seems that his teachers used phrases such as, has organizational problems, is disorganized, handwriting problems, needs directions to be repeated, keeps coming back to the desk for clarification of assignment, didn't complete some of the work, gets distracted easily. Yet, they wrote he was very bright, is a pleasure to have in class, will do well as we continue to encourage him to focus and stay on task. They also wrote, he is very curious, likes to learn, he is smart, adds a lot to the class discussion, adds perspective to the discussion,

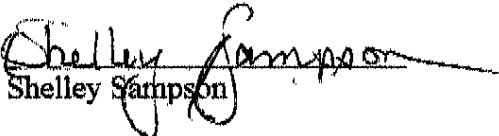
will do well and reach a good potential, words to that effect. So I didn't understand why he was struggling.

15. One memory that stands out and was particularly prescient related to Robert playing the cello. Robert would practice and practice until a piece was as expressive as possible in how it sounded to him. I distinctly remember when he went to his cello teacher, I overheard the teacher question Robert with frustration and derision why he could not read the new piece of music in front of him. I vividly remember her words. She said, "How can you be so stupid!" "What are you, dyslexic?" I was horrified by her tone and words. While it was shocking to his cello teacher that such an accomplished cello student could not read music, it was not surprising to his father and I.
16. When Robert was finally diagnosed, I had a range of emotions. His diagnosis was an "aha moment" for me because what had always been true of Robert now had a formal diagnosis. My hope was that going forward, he could finally receive the appropriate learning accommodations that would help address his needs.
17. My own understanding of Robert's disabilities has evolved over time. While the brain processing barriers were always there, we did not recognize how much it interfered with his reading ability and comprehension. I did not know back before his diagnosis that Robert's compensatory mechanism requiring tutors, prolonged study time and being unable to fully read and complete timed tests was consistent with learning disability and ADHD. I was also naive and reluctant to label my child who was so vibrantly filled with intellectual curiosity, as challenged. Robert was doing whatever he thought was necessary to achieve his goals.

18. It is the ultimate irony that Robert's hard work and the support of tutors and his father and I are now being used against him. Robert has compensated for seemingly insurmountable learning challenges with the use of extensive tutoring support, inordinate study preparation time, and parental support. Most importantly, this sheer determination and unfailing work ethic was the driving force to help him climb up the mountain to attain his ultimate goals- to be the best he could be.

I declare under the penalties of perjury that the foregoing is true and correct.

DATED: October 4, 2022


Shelley Sampson